

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Chad Stone

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Bert Herwitz
Park County Montana
The State of Montana

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Chad Stone		
Address	1106 W Park Suite 20-157		
	Livingston	MT	59047
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Park		
Telephone Number	406-220-2711		
E-Mail Address	ogchadstone@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Bert Herwitz		
Job or Title <i>(if known)</i>	Acting Park County Attorney		
Address	15 W Main St		
	White Sulphur Springs	MT	59645
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Meagher		
Telephone Number	(406) 547-3041		
E-Mail Address <i>(if known)</i>	burth@meagherco.net		
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 2

Name	Park County Montana		
Job or Title <i>(if known)</i>	County Attorney		
Address	414 E Callender St		
	Livingston	MT	59047
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Park		
Telephone Number	(406) 222-4150		
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 3

Name State of Montana

Job or Title *(if known)* Attorney General

Address 215 N Sanders St,

Helena MT 59601

City State Zip Code

County Lewis and Clark

Telephone Number (406) 444-2026

E-Mail Address *(if known)* _____

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name _____

Job or Title *(if known)* _____

Address _____

City State Zip Code

County _____

Telephone Number _____

E-Mail Address *(if known)* _____

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? The purpose of this complaint is to address the alleged civil rights violations committed by Bert Herwitz, the acting Park County Montana attorney, Park County, and the State of Montana. This complaint asserts claims of dereliction of duty, failure to follow Montana law, violations of the 2nd, 4th, and 14th Amendments, and discrimination.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
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III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
See Attached
-

- B. What date and approximate time did the events giving rise to your claim(s) occur?
SeeAtt
-

- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)
See Attached Document
-

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

See Attached

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See Attached

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

8/18/23

Signature of Plaintiff

Printed Name of Plaintiff

CJ Stone

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

The purpose of this complaint is to address the alleged civil rights violations committed by Bert Herwitz, the acting Park County Montana attorney, Park County, and the State of Montana. This complaint asserts claims of dereliction of duty, failure to follow Montana law, violations of the 2nd, 4th, and 14th Amendments, and discrimination.

Background and Allegations: Bert Herwitz's actions as the acting Park County attorney have demonstrated his unfitness for the office. He consistently neglected his duty to prosecute crimes submitted by the Park County Sheriff's Department, causing significant harm to me. Despite numerous crimes committed against me, including false reporting of physical and sexual abuse, kidnapping, and false reporting to law enforcement, Bert deliberately refused to take action, resulting in severe damage to my reputation through criminal defamation. Instead of addressing these real crimes, Bert pursued a baseless federal prosecution against me, falsely alleging unlawful possession of a firearm. The case was ultimately dismissed as there was no valid order preventing me from owning a firearm, a fact Bert was aware of during the proceedings. On August 24, 2023, I was arrested and detained for the aforementioned charge under 18 U.S.C 922 (g)(8). The search and seizure of my weapons violated my constitutional rights, specifically the Fourth Amendment, which safeguards against unreasonable searches and seizures. The order leading to the search and seizure was written under the color of the law, disregarding my constitutional rights. Furthermore, during the investigation, substantial evidence of Melissa Bear's involvement in the theft of drugs from a veterinary clinic where she was employed came to light. However, Sergeant Hopkin of the Missouri River Drug Taskforce, with full knowledge that there was no legal order prohibiting my ownership of firearms, chose to drop that case and instead pursued baseless federal charges against me. It is believed that these decisions were influenced by Bert Herwitz, the acting Park County Attorney. Additionally, under Montana state law, it is the Attorney General's duty to investigate accusations of crimes against elected officials such as Bert. Despite multiple attempts to bring these allegations to the attention of the Attorney General, he has failed to address the ongoing criminal and unconstitutional activity of Bert, making him complicit in these actions. The State of Montana is also complicit and enabling the unconstitutional denial of my rights by overseeing the denial of my Second Amendment rights without any prior convictions. Impact and Damages: Bert Herwitz's actions have further victimized me. Despite evidence supporting my claims, no charges have been filed against Melissa Bear, who kidnapped my child. Her false reporting and perjury have gone unpunished. It appears that Sergeant Hopkin, Agent Fannis, and the Park County Attorney's office prioritized denying me my constitutional rights under the guise of the law, rather than pursuing justice for the crimes committed against me. Moreover, Bert's awareness of Melissa Stone's theft of my property without taking any legal action reinforces the belief that justice cannot be achieved as long as Bert remains in any position within Park County. Prayer for Relief: It is imperative that the court promptly suspends Bert Herwitz from conducting any further business as a county attorney until a thorough investigation by the federal government is carried out regarding his actions against me. I seek \$5 million in damages from Bert personally for the violations of my constitutional rights, the violations of the law committed against me, and his role in the malicious prosecution. Additionally, I am seeking \$5 million from Park County Montana for their failure to address these violations and their responsibility for the actions of their acting attorney. Furthermore, I am seeking \$5 million from the State of Montana for their complicity and enabling of the unconstitutional denial of my rights.



8/18/23